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10/525,082	09/01/2005	Emerson Nerat	37114-214276	5103

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EXAMINER	
BROWN, VERNAL U	
ART UNIT	PAPER NUMBER
2612	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,082	NERAT, EMERSON	
	Examiner	Art Unit	
	VERNAL U. BROWN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-11,13-58,60-66 and 71-86* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *8-10* is/are allowed.

6)☒ Claim(s) *1-6,11,13-23,30-58,60-66 and 71-86* is/are rejected.

7)☒ Claim(s) *24-29* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on August 6, 2009.

Response to Amendment

The examiner has acknowledged the amendment of claims 1, 4-6, 8, 13, 15-17, 21, 23-25, 30, 34-35, 37, 52, 56, 58, 60, 62, 65, 69, 71-73,77, and the cancellation of claims 7, 12, 59, 67-68 and 70.

Allowable Subject Matter

The indicated allowability of the limitation of a tag recording unit for activating the tag and being coupled to the central server as was recited in claim 7 and the suggests transmitting to the primary base station a list of checkpoint including sequence of position along an expected itinerary of the tag in claims 70-75 is withdrawn in view of the newly discovered reference(s) to International Patent Application publication WO 02/077925. Rejections based on the newly cited reference(s) follow.

Claims 8-10 are allowed.

Claims 24-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 24-29, the prior art of record fail to teach or suggests the tag recovery apparatus includes a device to input a tag unlocking code, a tag depository compartment and a guarantee ticket distributor.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 13-16, 30-34, 36-39, 58, 60, 62-66, 69, 71-75, 76-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Sabre International Patent Application publication WO 02/077925.

Regarding claim 1, 3, 15-16, 30-34, 36, 58, and 60-64, Bledsoe teaches a primary base station (15A) and a pair of secondary base stations (figure 1);

Each of the secondary base station is coupled to the base station so as to provide a tag detecting cell which is the coverage area provided by each base station (col. 4 lines 54-58);

each of the base station (15A, 15, 15) is configured to receive a tag signal broadcast signal from a tag attach to an object to be tracked yielding three received signals indicative of the location of the tag within the cell (col. 5 lines 1-17).Bledsoe teaches a central server (17) in communication with the primary base station (figure 1) but is silent on teaching a tag recording unit for activating the tag and is coupled to the central server. Sabre in an analogous art teaches a recording unit (23) for recording information regarding the baggage tag, activating the tag and is connected to the central server (pages 6-8). Sabre also teaches an input port for allowing the person to associate information to a tag (page 7) as called for in claim 16. Sabre also teaches the server associated with the registration and the BMS system is connected to the central server (page 7). Sabre also teaches transmitting a list of checkpoints including a sequence of positions along an expected itinerary of the tag (page 16). Sabre is silent on teaching the recording unit is wirelessly coupled to the central server. The examiner takes official notice that wireless connection is an alternative to wired connection and it is therefore to have a wireless connection between the central server and the recording unit.

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Sabre because the recording unit provides the interface for correlating the information receive from different sources regarding the object to be tracked.

Regarding claim 2, Bledsoe teaches plurality of primary (central) base station (col. 11 lines 42-53).

Regarding claim 4, 6, Bledsoe teaches the primary base station (15) is connected to a central server (17).

Regarding claim 5, Bledsoe teaches a computer (17) as the control unit coupled to the base station (figure 1).

Regarding claim 13, Bledsoe teaches generating an identification code and storing it in the memory of the tag (col. 19 lines 10-16).

Regarding claim 37, Bledsoe teaches the secondary base station (15) is coupled to the primary base station (figure 1).

Regarding claim 14, Bledsoe teaches comparing the identification information store in the tag with the identification information in the memory of the central server (col. 19 lines 10-16) but is silent on teaching a recording unit comparing the comparing the identification information store in the tag with the identification information in the memory of the central server. Sabre in an analogous art teaches comparing the identification information store in the tag and the identification information store in the central server in order to provide a message indicating that a lost baggage has been located (page 62).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe in Sabre because the comparison of the identification information store in the tag with the identification information in the memory of the central server because this allows the record unit to determine the location of the tag object and provide information to various entity.

Regarding claims 38-39, 76-81, Bledsoe teaches a tag attached to thee object to be tracked (col. 4 lines 50-57) and the tag include a memory for storing its identification (col.19 lines 15-20). Bledsoe also teaches the tag includes its own power supply (col. 20 lines 1-6).

Regarding claim 66, Bledsoe teaches grouping the tag base on zone covered by a particular monitor (col. 10 line 66-col. 11 line 14).

Regarding claim 69, Bledsoe teaches communicating a list of activated tag to the server (col. 3 lines 1-3).

Regarding claims 71-75, Bledsoe is silent on teaching sending an alarm if any difference is detected between the checkpoints and the predetermined position along the itinerary. Sabre in an analogous art teaches sending an alarm to a user's wireless device when it is determined that there is a difference between the checkpoints and the predetermined position along the itinerary and communicating a lost information regarding a lost tag when a response is not received from a tag at a predetermined time (page 17).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Sabre sending an alarm if any difference is detected between the checkpoints and the predetermined position along the itinerary provide up to date location information on the tracked object and allow corrective action to be taken when an object is determined to be in an unauthorized location.

Regarding claim 82, Bledsoe teaches verifying the integrity of signal transmission from the tag by performing CRC checking (col. 19 lines 15-20).

Regarding claim 83-86, Bledsoe teaches the location of the tag is determined base on the signal strength of the received signal and grouping the tags(col. 24 lines 5-12).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Carsten et al. US Patent 3898619 and further in view of Sabre International Patent Application publication WO 02/077925.

Regarding claim 11, Bledsoe is silent on teaching a display for displaying the location of the tag. Carsten et al. in an analogous art teaches displaying the location of a tag based on the received location information (col. 2 lines 43-64).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Carsten et al. because displaying the location of the tag provides instant notification of the location of the tag to the user.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Sabre International Patent Application publication WO 02/077925 and further in view of Carsten et al. US Patent 3898619.

Regarding claims 17-19, Bledsoe is silent on teaching a display for displaying the location of the tag. Carsten et al. in an analogous art teaches displaying the location of a tag based on the received location information (col. 2 lines 43-64). The examiner takes official notice that touch screen display are conventionally used as a means of selecting the desired display and wireless connection between the server and the tag tracking system is an alternative to the wired connection.

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Carsten et al. because displaying the location of the tag provides instant notification of the location of the tag to the user.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Carsten et al. US Patent 3898619 in view of Sabre International Patent Application publication WO 02/077925 and further in view of Joao US Patent 6542076.

Regarding claim 20, Bledsoe is silent on teaching the tag tracking system include a telephone. Joao in an analogous art teaches a telephone connecting to a tracking system in order to communicate information about the object being tracked (col. 4 lines 3-12).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Joao because this provides a means of communicating information about the track objects to a remote location.

Claim 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Shafer US Patent 5942978.

Regarding claims 21-22, Bledsoe teaches a primary base station (15A) and a pair of secondary base stations (figure 1);

each of the secondary base station is coupled to the base station so as to provide a tag detecting cell which is the coverage area provided by each base station (col. 4 lines 54-58);

each of the base station (15A, 15, 15) is configured to receive a tag signal broadcast signal from a tag attach to an object to be tracked yielding three received signals indicative of the location of the tag within the cell (col. 5 lines 1-17).Bledsoe teaches a central server (17) in communication with the primary base station (figure 1) but is silent on teaching a tag recovery apparatus coupled to the central server. Shafer in an analogous art teaches a tag recovery apparatus (26) connected to a central computer (figure 2, col. 4 lines 47-58). Shafer is silent on teaching the recording unit is wirelessly coupled to the central server. The examiner takes official notice that wireless connection is an alternative to wired connection and it is therefore to have a wireless connection between the central server and the recording unit.

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Shafer at the time of the invention because this provides a more cost effective tracking system by reusing the tags attached to the object.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Shafer US Patent 5942978 and further in view of Sato et al. US Patent 5210785 .

Regarding claim 23, Bledsoe in view of Sato et al. is silent on teaching a recovery apparatus is coupled to the rechargeable power source. Sato et al. teaches a recovery apparatus such as a backup power supply for preventing the loss of data due to power failure (col. 8 lines 21-32).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe in view of Shafer as disclosed by Sato et al. because a recovery apparatus such as a backup power supply prevent the loss of data due to the loss of power.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Sabre International Patent Application publication WO 02/077925 and further in view of Ross, Jr. et al. US Patent 5823948.

Regarding claim 35, Bledsoe in view of Sato et al. is silent on teaching a backup server coupled to the central server. Ross, Jr. et al. in an analogous art teaches the use of a backup server (col. 4 lines 53-65).

It would have been obvious to one of ordinary skill in the art to have a backup server connected to the central server because this improves the reliability of the system by allowing the data to be recovered if the central computer fails.

Claims 38-39, 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Sabre International Patent Application publication WO 02/077925 and further in view of Katz et al. US Patent 4816824.

Regarding claims 38-39, 45, Bledsoe is silent on teaching a tag managing server for communicating with the remote server. Katz et al. in an analogous art teaches an inventory server (42) connected to a remote server (40) (col. 6 lines 5-24) and it is the examiner's position that the location of central computer and the inventory managing server is based on the environment in which the tracking system employed.

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Katz et al. because the inventory managing server provides additional control and improves the security of the system.

Regarding claim 46, Bledsoe teaches the tag is program with tag related information (col.19 lines 15-20).

Claims 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Sabre International Patent Application publication WO 02/077925 and further in view of Cohn US patent 4351548.

Regarding claim 40-43, Bledsoe is silent on teaching the tag is releasable attached to the object. Cohn in an analogous art teaches a tag is reliably attached to an object (abstract).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Cohn because releasable attaching the tag to the object allows the tag to be available for reuse.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Sabre International Patent Application publication WO 02/077925 and further in view of Brick et al. US Patent 6269342.

Regarding claim 44, Bledsoe is silent on teaching the tag emit a visual indicator. Brick et al. in an analogous art teach a RF tag providing a visual indicator such as a LED (col. 12 lines 46-65).

It would have been obvious to one of ordinary skill in the art for the tag to provide a visual indicator because this provides a visual indicator of the operating status of the tag.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Sabre International Patent Application publication WO 02/077925 and further in view of Hughes et al. US Patent 5920261.

Regarding claim 47, Bledsoe is silent on teaching the tag related information include battery level of the tag. Hughes et al. in an analogous art teaches the tag related information include the battery level of the tag (col. 9 lines 2-6).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Hughes et al. because providing information regarding the level of the battery provides an early indication when the battery low and need replacement and further avoid the interruption of the tag's operation.

Claims 48-55, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Sabre International Patent Application publication WO 02/077925 in view of Caswell et al. US Patent 4636950 and further in view of Verma et al. US Patent 5528232.

Regarding claim 48-54, 61, Bledsoe is silent on teaching a portable unit connected to the central computer. Caswell et al. in an analogous art teaches a portable control unit connected to a central computer for providing update information (col. 1 lines 40-47). Verma et al. teaches placing the tag in a sleep mode in order to save power (col. 10 lines 1-14).

It would have been obvious to on one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Caswell et al. because the portable control unit provide for a more convenient operation of the tracking system and allows the provision of control information remotely to the central computer.

Regarding claim 55, Bledsoe teaches sending a list of missing tags to the central computer and initiating a search for the missing tags (col. 17 lines 13-22).

Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bledsoe US Patent 5742237 in view of Sabre International Patent Application publication WO 02/077925 in view of Caswell et al. US Patent 4636950 in view of Verma et al. US Patent 5528232 and further in view of Tuttle US patent 6097301.

Regarding claims 56-57, Bledsoe fail to teach or suggests the object related information include information concerning a plane to be boarded. Tuttle in an analogous art teaches a RF tag attached to a luggage storing the flight number of the destination of a luggage (col. 3 lines 34-45).

It would have been obvious to one of ordinary skill in the art to modify the system of Bledsoe as disclosed by Tuttle because the RF tag provide a means of storing destination of information of the luggage and provides for the automatic tracking of the luggage.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/
Primary Examiner, Art Unit 2612
December 7, 2009